

## REMARKS

1. Applicant thanks the Office for its remarks and observations which have greatly assisted Applicant in responding.

### 2. **APPLICANT COMMENTS ON THE OFFICE'S "RESPONSE TO ARGUMENTS."**

Applicant strenuously objects to the Office's attempt to anticipate Applicant's response strategy and pre-emptively reject it, finding it to be gratuitous and without merit. Even if the Office's position had been properly formulated as a rejection, it would be improper because it is nothing more than a bald assertion by the Examiner, completely lacking documentary support and therefore improperly based on hindsight.

### 3. **CLAIM OBJECTIONS**

Claim 16 is objected to under 37 CFR § 1.75(c). Claim 16 is cancelled from the Application. The present objection is therefore rendered moot.

### 2. **35 U.S.C. § 103**

Claims 1, 5-8 11-13, 17-20 and 23-25 are rejected as being unpatentable over U.S. patent application publication no. 2003/0182391 ("Leber") in view of U.S. patent no. 7,139,798 ("Zircher"). Applicant respectfully disagrees.

Among other reasons, the present rejection is defective because the Office relies on Zircher, col. 21, line 27 to col. 22, line 9 as teaching or suggesting "wherein said automated agent . . . mediates a discussion related to said input data." Applicant respectfully disagrees. The cited portion of Zircher describes an FAQ service that, in response to questions posed during a collaborative session, provides responses based on database information (col. 21, lines 27-29). In other words, the FAQ service is a completely passive member in the collaborative session, mutely attending the session until posed a question by one of the collaborators.

The ordinarily-skilled practitioner would understand that the participation of a bot that was capable of mediating a collaborative session would not be limited to such a reactive role. There is no other teaching or suggestion that Zircher's bots

assume anything other than a passive, reactive role in any interactions. Leber adds nothing to the combination; there is no indication that Leber's bots are anything other than reactive. Accordingly, because the combination fails to teach or suggest each of the elements described in Claim 1, the present rejection is improper. Because the rejection is improper, Claim 1 is deemed allowable over the combination.

In view of their dependence from an allowable parent claim, Claim 1's dependent claims are deemed allowable without any separate consideration of their merits.

The above remarks apply equally to Claims 13 and 25. In view of their dependence from an allowable parent claim, Claim 13's dependent claims are deemed allowable without any separate consideration of their merits.

In spite of the foregoing, Applicant provides the following remarks comments regarding the dependent Claims.

Claim 12: The Office relies on Leber, ¶¶ 0096-0111 as teaching or suggesting: the automated agent "asking a series of questions to said messaging client to determine intent." Applicant respectfully disagrees. The cited paragraphs describe a process of setting appointments and/or reminders. During the process, a number of questions are put to the bot by the user, however, in fact, not a single question is asked of the user by the bot. The bot reactively performs the operations requested and provides information asked for, but there is no indication in the cited paragraphs, or in any part of the remainder of the reference, that Leber's bot can actively question the user of the client in order to determine the user's intent. As previously discussed, Zircher's bots also lack the capability of interacting with a user in such an active manner. Accordingly, there is no teaching or suggestion in the combination of "asking a series of questions to said messaging client to determine intent."

In order to describe Claim 1 in greater detail, Claim 1 is amended to include that above subject matter. Accordingly, even if the rejection of Claim 1 had not been improper, it would have been overcome by the current amendment.

The foregoing remarks apply equally to Claim 24. Therefore, Claim 13 is amended to include the subject matter "asking a series of questions to said messaging client to determine intent" from Claim 24. Therefore, even if the rejection

of Claim 13 had not been improper, it would have been overcome by the current amendment.

Claim 25 is amended in the same manner as Claims 1 and 13. Therefore, even if the rejection of Claim 25 had not been improper, it would have been overcome by the current amendment.

6. No new matter is added by way of the above amendments. The above amendments are made solely for expediency in deference to the Office policy of compact prosecution. Such amendments do not constitute agreement by Applicant with the Examiner's position, nor do they reflect intent to sacrifice claim scope. In fact, Applicant expressly reserves the right to pursue patent protection of a scope it reasonably believes it is entitled to in future submissions to the Office.

7. For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

### **CONCLUSION**

In view of the foregoing, the Application is deemed to be in allowable condition. Applicant therefore respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner find it helpful, he or she is encouraged to contact the Applicant's attorney Michael A. Glenn at (650) 474-8400.

Respectfully submitted,



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